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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,595	06/26/2006	Roland Bachmann	095309.56365US	4784
23911 7590 10/29/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER TO, TOAN C	
			ART UNIT 3616	PAPER NUMBER
			MAIL DATE 10/20/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/539,595

**Applicant(s)**

BACHMANN ET AL.

**Examiner**

TOAN C. TO

**Art Unit**

3616

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6-9, 11 and 14-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 16 is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-9, 11, 15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 June 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

3. Claim 11 recites the limitation "the end faces of the locking blocks" in line 2. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2 are rejected under 35 U.S.C. 102(b) as being anticipated by Hiramatsu (U.S. 5,374,110).

Hiramatsu discloses a seatbelt lock having a preventive tensioning device (see figure 1) that is operable to move the seatbelt lock from between an operating position and a safety position that is lower than the operating position, said preventative tensioning device comprising: an energy accumulator (32) and a drive unit (3); wherein, the energy accumulator (32) is maintained preloaded when said seat belt lock (8) is in

the operating position; in that the seatbelt lock (8) is maintained preloaded in the operating position by means of the energy accumulator (32), the drive unit (3) is operable to transfer the seatbelt lock from the safety position back into the operating position and the drive unit is further operable to move the seatbelt lock from its operating position into a comfort position that is raised relative to the operating position; wherein the energy accumulator (32) is a compression spring (31) which is connected to the seatbelt lock (8) via a draw-in cable (21).

6. Claims 6-9, 11, and 15 are rejected under 35 U.S.C. 102(b) as being anticipated by Nishide (U.S.5,794,978).

With respect to claims 6-9, Nishide discloses a deflection unit for a seatbelt lock having a preventive tensioning device (19), wherein a shaft (44) is provided with a cam track (22) which is in engagement with a catch and a ratchet gear (10) is provided with a grooved track (10A) which is in engagement with the catch (27), the ratchet gear (10) being able to rotate on the shaft between two operating positions; wherein the catch (27) is not in engagement with the grooved track (10A) during a preventive tensioning operation; wherein the catch (27) is not in engagement with the cam track (22) during a reversing operation; wherein, when there are high tensile forces on the seatbelt lock, the ratchet gear (10) can be rotated as far as stops on the shaft.

With respect to claims 11 and 15, Nishide discloses a deflection unit for a seatbelt lock having a preventive tensioning device, said deflection unit comprising: a shaft (44); a ratchet gear (10) which is disposed on said shaft (44), has a grooved track (10A), and is rotatable about said shaft (44), between two positions; a catch (27) that is

engageable with said grooved track (10A) on said ratchet gear (10); and a cam track (22) on said shaft, which cam track (22) engages with said catch (27) to control engagement of said catch with said grooved track.

***Response to Arguments***

7. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Allowable Subject Matter***

8. Claims 14 and 16 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TOAN C. TO whose telephone number is (571)272-6677. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on (571) 272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Toan C To/  
Primary Examiner, Art Unit 3616  
October 7, 2008